

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GENE ALLEN,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:07-cv-00098-LRH-RAM

**ORDER**

On December 6, 2007, this habeas corpus action was dismissed with prejudice and judgment was entered. (Docket #39, #40). Petitioner filed a notice of appeal on December 26, 2007. (Docket #41). On January 2, 2008, this Court denied petitioner a certificate of appealability. (Docket #42). On February 1, 2008, the United States Court of Appeals for the Ninth Circuit denied petitioner a certificate of appealability. (Docket #45).

Over two years later, petitioner has filed two motions to vacate judgment (Docket #47 and #48) and a motion for a certificate of appealability (Docket #49). Petitioner's motions to vacate judgment are untimely and lack merit. As such, the motions to vacate judgment are denied. This Court has previously denied petitioner's motion for a certificate of appealability. Petitioner's successive motion for a certificate of appealability is also denied.

**IT IS THEREFORE ORDERED** that petitioner's motions to vacate judgment (Docket #47 and #48) are **DENIED**.

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1           **IT IS FURTHER ORDERED** that petitioner's motion for a certificate of appealability  
2 (Docket #49) is **DENIED**.

3           Dated this 24th day of November, 2010.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE